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Mission Statement

Our society has a responsibility to assist innocent victims of crime. The Criminal Injury Compensation Program (CICP) represents an acceptance of society's obligation to help those harmed by crime and serves to recognize the wrong done to victims by easing their financial hardship.

Goals for Year 2000

In 2000, the Criminal Injury Compensation Program will continue with its study of existing policies. After a thorough analysis, the CICP will incorporate new policies and update the draft policy manual distributed in 1998. The CICP staff and stakeholders will use the manual to assist victims of crime.

The CICP plans to enhance its professional staff with a full-time policy analyst. In addition, the CICP will focus on a number of specific objectives:

- Continue to be more open and accountable
- Survey stakeholders to determine their satisfaction with the CICP
- Continue to provide educational and informational presentations to stakeholders

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When it happens to you or a loved one

The Criminal Injury Compensation Program has provided an important service since 1972, when it came into being. Prior to that date, there was no redress for innocent victims of crime who, in addition to bodily injury, often suffered serious psychological trauma.

Since its inception 27 years ago, the Program has grown from a modest organization into a major player in the field of victim services. As one indication of that growth, annual compensation awards have increased from \$193,896 in 1973 to \$19,184,054 in 1999.

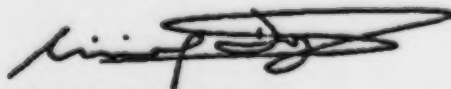
Similarly, the nature of injuries for which innocent victims of crime have sought compensation has evolved. In 1995, the *Criminal Injury Compensation Act* was amended to provide compensation to the immediate family members, including counselling, wage loss, and funeral expenses. For example, the parents of a child who has been killed in a criminal act can receive compensation.

Also in 1995, a change to the legislation allowed a victim to receive both workers' and criminal injury compensation. This has been of particular benefit to women who are sexually assaulted while at work.

In the same year, there were Order-in-Council additions to the Schedule of Offences – criminal harassment (commonly known as stalking) and uttering threats.

No matter what the nature of the victims' injuries, Program staff strive to help them recover, physically and psychologically, with care and compassion. The British Columbia Program is only one of two in Canada today that offers compensation for pain and suffering.

We in B.C. can be proud of the Criminal Injury Compensation Program, which is available to innocent victims of crime in all parts of the province.



Minister responsible for the
Criminal Injury Compensation Act

The Honourable Ujjal Dosanjh
Attorney General, Province of British Columbia

Providing an important service to society

In 1999, the Criminal Injury Compensation Program once again provided a valuable service to innocent victims of crime.

This year, 5,516 claims resulted in compensation being paid to victims, with the majority of the awards going to victims of crimes of violence such as robberies, purse snatchings, and assaults including domestic violence. However, about 30 percent of the awards made by the CICIP were to victims of sexual assault and abuse. This trend was first noticed in the mid-1980s, and has been constant over the past 15 years.

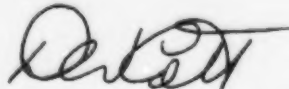
As always, claims made to the CICIP this past year reflect what is going on in society at large: more women have entered the workforce since the early 1980s, people in general have become more aware of their rights, and claims have become more complex.

During the past year, the CICIP and its stakeholders have been using a working draft policy manual. This has resulted in policies and decisions coming under closer scrutiny. The CICIP welcomes this, viewing it as an opportunity to develop more sensitive responses to claimants' needs.

The CICIP is also benefiting from decisions of appeal bodies, which will result in a set of precedents and case law that will be the foundation of a published policy manual.

The WCB has administered the CICIP, which comes under the jurisdiction of the Ministry of Attorney General, since its establishment in 1972. All three enjoy a cooperative and mutually respectful working relationship.

We at the WCB believe the CICIP provides a very important service, and look forward to serving the people of B.C. well into the new millennium.



Agency responsible for administering the Act.

Don Cott, Chair, Panel of Administrators

In awarding compensation to victims of crime, the Criminal Injury Compensation Program does not try to redress the wrong done by granting large sums of money. Instead, the aim is to acknowledge the harm done to victims and to lighten their financial load. Criminal injury compensation helps to cover expenses associated with the crime, such as medical and dental care, funeral expenses, lost income and earning ability, counselling, and rehabilitation.

Victims eligible for compensation are those who:

- were injured by any of 56 criminal offences covered by the *Criminal Injury Compensation Act*
- were financially supported by someone killed by a crime
- are an immediate, non-dependent family member of someone killed by a crime
- were injured while helping a law enforcement officer or trying to stop a crime from occurring
- were injured on the job as a result of any one of the criminal offences outlined in the Act

Over the years, amendments to the *Criminal Injury Compensation Act* have made more people eligible for compensation. For example, in 1995 the crimes of uttering threats and harassment were added. Two new victim groups were made eligible for compensation in 1995: immediate family members, not just dependants, of victims killed by a crime; and workers injured by a crime while on the job.

The kinds of crimes and the profile of applicants the program covers are different from those in its early days. Before the 1980s, adult males made the most applications. In recent years, however, children make up 30 percent of victims and women make up 60 percent. Of the awards granted, about 30 percent have been victims of sexual assault and abuse.

While the kinds of claims have changed, the program's commitment to helping innocent victims has not. The CICIP staff continues to provide service in a judicious and caring manner, and to remain sensitive to the changing needs of crime victims. To achieve its goals, the CICIP must balance compassion against the statutory limitations of the *Criminal Injury Compensation Act*. The CICIP deals with claimants often during the most difficult times in their lives, and unfortunately, compensation must be denied to some applicants.

Coverage usually extends from the date a crime is added to the Act's schedule. However, the amendments in regard to claims made on account of a fatal injury by non-dependent, immediate family members are retroactive to January 1, 1991, even though the amendment was added to the legislation in 1995.

The Workers' Compensation Board administers the CICIP because of its resources to process applications and its expertise in a compensation program. Compensation is paid from the Consolidated Revenue Fund of British Columbia.

Typically, applicants learn about the program when the police, a victims-of-crime organization, a physician, or hospital staff refers them to the CICIP. Application forms are available at any Workers' Compensation Board office in British Columbia, or by calling 604 244-6400 or toll free 1 800 661-2112, local 6400.

Examples of allowed claims

Assault by a taxi driver

Incident: A 17-year-old girl was punched in the mouth during a dispute with a taxi driver. The assault occurred because the victim did not have funds to pay her fare, although she explained that her mother would pay.

Claim and assessment: The victim received multiple bruises and abrasions to the face and body, and required stitches to her lip.

Award: \$500 for pain and suffering, plus \$100 for clothing damage.

Multiple sexual abuse incidents

Incident: An application was made by the Ministry for Children and Families on behalf of a nine-year-old girl who, between the ages of four and eight, was abused sexually by an adult family member. Criminal charges were pursued.

Claim and assessment: The victim, who suffered mental and emotional trauma, needed counselling.

Award: \$10,000 for mental and emotional trauma with provision for 24 counselling sessions. Additional therapy could be covered on the basis of her therapist's report.

Injury due to criminal negligence

Incident: A 21-year-old man received serious facial, head, and other injuries when a 13.5 kg (29 lb.) rock hit the windshield of a truck in which he was a passenger. The rock was dropped from an overpass as the truck passed underneath. The suspect, a 17-year-old male youth, has been charged with criminal negligence causing bodily harm and mischief causing actual danger to life.

Claim and assessment: The victim suffered multiple facial fractures, a fractured left clavicle and left first rib, a laceration above the eye, and dental damage. He required surgery to repair the injuries.

Award: \$10,000 for pain and suffering, plus \$100 for clothing damage. In three subsequent supplementary decisions, compensation was paid to cover medical and dental expenses.

Victim of gunshot wound received reduced award

Incident: A 20-year-old man received a gunshot wound to his left flank during a dispute between two rival groups of males. The victim had gone to the scene with a group of friends who were armed with a variety of weapons for the purpose of confronting the other group. The victim carried an axe handle.

Claim and assessment: The victim was shot, resulting in a fractured rib. He was hospitalized for three days.

Award: \$2,000 for pain and suffering was reduced by 25 percent to \$1,500 due to the victim's own contribution to his injuries.

Injured from fall while fleeing offenders

Incident: A mother made an application on behalf of her 17-year-old son who had been attacked, for no apparent reason, by a group wielding baseball bats and pipes. In his attempt to escape, the victim jumped over a fence and fell on some large rocks.

Claim and assessment: The victim suffered a dislocated and fractured right elbow, post trauma stiffness, and restricted use of motion. An assessment by a WCB medical officer determined that the victim would have seven percent of permanent functional impairment.

Award: \$7,500 for pain and suffering, plus \$60 for physiotherapy expenses.

Assault by former boyfriend

Incident: A 21-year-old woman was attacked and beaten by her former boyfriend. Following police investigation, criminal charges of assault were recommended.

Claim and assessment: The victim suffered multiple lacerations to her face, and a laceration to the left thigh.

Award: \$1,500 for pain and suffering with provision of 24 counselling sessions.

Sexual assault incident from 25 years ago

Incident: A 61-year-old woman applied for compensation in relation to a sexual assault incident that occurred 25 years ago.

Claim and assessment: The victim suffered mental and emotional trauma that has affected her throughout her life.

Award: \$4,500 for pain and suffering, plus provision for 24 sessions of counselling. An extension of therapy coverage could be made on the basis of a report from the treating therapist.

Victim suffers permanent head injury

Incident: The applicant was physically and sexually assaulted and suffered a significant head injury.

Claim and assessment: The victim suffered brain damage with permanent reduction in movement of her right hand, personality changes, memory loss, and difficulty with balance. The victim was, however, able to resume taking courses at school. The deficits are likely permanent and could continue to have an impact on the claimant, physically and emotionally.

Award: \$50,000 for pain and suffering. The applicant, who suffered from a pre-existing bipolar disorder, was unemployable. Because she received CPP and insurance disability benefits, there was no basis to assess a loss of earnings under her claim.

Purse snatching

Incident: An 80-year-old woman was attacked and knocked to the ground during a purse snatching. The offender was charged with robbery.

Claim and assessment: The victim suffered a fractured left hip, requiring surgery.

Award: \$7,500 for pain and suffering, plus \$1,491.46 in medical and related expenses.

Abduction of victim's children

Incident: The applicant submitted a claim in relation to the abduction of his two children by his former wife. His two daughters were out of his care for approximately two weeks, in contravention of a custody order.

Claim and assessment: The father suffered from mental and emotional trauma because of his daughters' abduction.

Award: \$1,500 was granted for pain and suffering, plus another \$800 based on further medical information from the applicant's family physician.

Assault by mentally unstable offender

Incident: A 26-year-old man was attacked and physically assaulted for no apparent reason by an offender suffering from a mental illness. No charges were laid due to the mental incapacity of the offender.

Claim and assessment: The victim did not receive medical attention. However, there was evidence that the applicant was a victim of a criminal assault. The police had noted the victim had abrasions and bruising to the left-side of his face and a cut to the right side of his nose.

Award: \$1,100 for pain and suffering.

Victim drugged

Incident: A 46-year-old woman sustained injury after drinking a beverage containing an amphetamine. The drug had been put in the drink without her knowledge.

Claim and assessment: The victim experienced headaches, shakiness, and hallucinations. She required emergency hospital treatment and suffered from anxiety.

Award: \$1,000 for pain and suffering, plus 24 therapy sessions with respect to emotional trauma.

Home invasion

Incident: A 24-year-old woman was confronted by a man who forced his way into her residence, punched her in the face, and demanded money and jewellery.

Claim and assessment: The applicant did not seek medical attention for more than two weeks, by which time any physical injuries had healed. She suffered, however, from mental and emotional trauma. She had difficulty eating and sleeping, and was fearful of being alone in her home. She was placed on an antidepressant medication. Counselling was recommended by her doctor.

Award: \$1,000 for pain and suffering, and 24 counselling sessions.

Assault following parking dispute

Incident: A 33-year-old man was assaulted following a dispute concerning a parking space. The assailant was never identified.

Claim and assessment: The victim suffered a nasal fracture and an injury to the right ankle. He required orthotics for his injured ankle and underwent surgery to correct the nasal fracture.

Award: \$2,500 for pain and suffering, \$2,350 for orthotics, and \$50 for clothing damage.

Assault including threat with a firearm

Incident: A 47-year-old woman was grabbed by the throat and pushed into a wall and onto the floor by a former common-law spouse who then pointed a gun at her, threatening to kill her. The offender was charged with assault with a weapon, uttering threats, and pointing a firearm.

Claim and assessment: The medical examination found no specific physical injuries. The applicant did, however, suffer severe anxiety, depression, and post-traumatic stress disorder. She required hospitalization and medication for several days.

Award: \$1,500 for pain and suffering, \$135.98 for medication, \$10.50 for chiropractic care, and \$50 for clothing damage.

Road rage assault

Incident: While driving his car, a 30-year-old man was confronted by another motorist who attempted to pass the victim's vehicle. A verbal exchange occurred. When stopped at a red light, the other driver attacked the victim, punching him in the face and striking his vehicle twice with a weapon. The suspect was charged with assault, mischief, and driving-related offences.

Claim and assessment: The victim required emergency treatment for facial and right leg bruises, and a deviated septum. The victim underwent surgery but was left with a nasal deficiency.

Award: \$2,500 for pain and suffering, \$266.56 for transportation costs, and \$20 for clothing damage.

Sexual assault with inducement to procure for prostitution

Incident: An application was made on behalf of a 15-year-old girl. Over the course of a week, three men sexually assaulted the victim, forcing her to take drugs and alcohol. They also threatened her with having to participate in prostitution. Multiple charges, including sexual assault and obtaining sexual services by way of threats and inducements, were laid.

Claim and assessment: The victim suffered mental and emotional trauma.

Award: \$5,000 for pain and suffering, and 24 therapy sessions.

Criminal harassment

Incident: A 33-year-old woman met the offender socially on one occasion. For almost two years, the offender subjected her to harassment and stalking. Many of the events involved multiple telephone calls and messages. The offender was charged with two counts of criminal harassment.

Claim and assessment: The victim suffered from extreme anxiety and depression, which aggravated a pre-existing stress condition. She suffered from headaches, sleep difficulties, and muscle spasms. Counselling was recommended.

Award: \$1,500 for pain and suffering, and 24 therapy sessions.

Victim of shooting

Incident: A male neighbour shot a 48-year-old woman in the leg.

Claim and assessment: The victim suffered a gunshot wound to the right ankle, resulting in having her leg amputated below the knee. She required a prosthesis and long-term rehabilitation, and suffered from post-traumatic stress and phantom limb pain.

Award: \$25,000 for pain and suffering and residual disability, \$54 for ambulance costs, and \$100 for clothing damage. Provision was made for 24 sessions of psychotherapy.

Assault with a chemical spray

Incident: An application was made on behalf of a 15-year-old boy who was attacked by a man, who sprayed him with an anti-bear spray. The offender was charged with assault with a weapon causing bodily harm.

Claim and assessment: The victim suffered chemical burns to the right foot and left elbow. He experienced anxiety and abdominal pain as a result of stress.

Award: \$500 for pain and suffering, and \$100 for clothing damage. Provision was made for 12 psychotherapy sessions.

Victim of armed robbery while working

Incident: A 25-year-old woman working as a manager/cashier in a store was robbed at gunpoint.

Claim and assessment: The victim required treatment for a post-traumatic stress disorder. The incident exacerbated a pre-existing major depressive disorder.

Award: \$1,000 for pain and suffering, plus counselling costs.

RCMP officer injured in course of duty

Incident: While investigating an armed robbery, a 40-year-old RCMP officer was shot. The offender was charged with numerous offences, including attempted murder.

Claim and assessment: The claim was initially refused on the basis of Section 5(1) of the Act because the victim was a peace officer and had benefit coverage under his own employment scheme. Upon review, the Criminal Injury Compensation Program determined that the language of the Act permitted the inclusion of peace officers for criminal injury entitlement when they were victims of crime and injured in the course of their employment. As workers, they are entitled to pain and suffering awards only. In this incident, the victim was wearing a bulletproof vest and the wound resulted in a lesser injury than he would otherwise have sustained.

Award: \$2,500 for pain and suffering.

Loss of love, guidance, and affection award to immediate family member of deceased

Incident: An application was made on behalf of a 12-year-old girl following the murder of her father. The father was a victim of crime within the meaning of the Act and the girl was an immediate family member.

Claim and assessment: The Appeal Division of the Workers' Compensation Board has determined that there is authority under the Act to make an award for loss of love, guidance, and affection sustained by a child of the deceased. The daughter had been living with and supported by her father at the time of his death.

Award: \$5,000 for loss of love, guidance, and affection, payable to the Public Trustee to administer on the applicant's behalf until she reaches 19 years of age.

Family funeral costs

Incident: The applicant was the sister of a 41-year-old man who was murdered.

Claim and assessment: The applicant sought reimbursement for transportation, child care costs, and loss of wages for one week while attending the funeral. The deceased was a victim of crime within the meaning of the Act and the applicant is an immediate family member.

Award: \$290 for one week of net wage loss, \$482 for transportation expenses, and \$240 for child care costs.

Examples of disallowed claims

Alleged sexual assault

Incident: An application was made by a 24-year-old woman in relation to two sexual assaults occurring between 1978 and 1982. She alleged that a male babysitter had sexually assaulted her. Although she reported the events to police, she declined to pursue criminal charges or to have her complaints investigated.

Assessment: The statement of the applicant was the only evidence that these occurrences had taken place. No police investigation was performed and there was no medical confirmation of injury. As a result, there was insufficient evidence to conclude that a Criminal Code offence was committed against the applicant or that she was injured as a result. There was no basis on which to grant an award of compensation.

Alleged police wrongdoing

Incident: An application was made on behalf of an 11-year-old child in relation to an incident where police entered the family home. The child allegedly sustained emotional trauma. No charges were laid against the police officers. Charges were laid against others, including the child's mother, and one was later convicted of possession of marijuana, in addition to other charges.

Assessment: The investigation determined that the police had lawfully entered the residence. Criminal charges were laid in connection with the drug offences. There was no evidence that the child received any medical or psychological treatment. There was insufficient evidence that the police had committed any criminal offence. No award was made.

Dog attack injuries

Incident: Two pit bull terriers attacked and mauled the applicant, a 39-year-old woman. Two other people had been attacked on the same day by these dogs. When police attended the scene, they shot one of the dogs. The owner agreed to have the other animal destroyed. No criminal charges were laid.

Assessment: The police determined that the dog owner was not negligent in a criminal sense. The owner took steps to secure the dogs with a locked door, but someone else released them. While the applicant did suffer serious physical and emotional injuries, she was not a victim of crime as defined in the Act. No compensation was paid.

Injured in unknown circumstances

Incident: A man claimed compensation, alleging that he had been assaulted. While he did seek hospital treatment, he advised hospital staff that he could not remember the events surrounding the alleged assault. He did not report the occurrence to police until about two and a half months later.

Assessment: There was no police investigation in support of the applicant's statement. There was insufficient evidence to satisfy the burden of proof that the applicant was a victim of crime within the meaning of the Act.

Alleged assault by common-law wife

Incident: A 38-year-old man alleged that his common-law wife assaulted him. Crown counsel declined to approve charges although there was evidence that the applicant had received a laceration to his nose during the incident.

Assessment: Crown counsel refused to pursue charges on the basis that the actions of the common-law wife were in self-defence. The fact of injury alone is not sufficient to establish that a person is a victim of crime, particularly when the applicant contributed to his own injuries.

Participation in drug trade

Incident: A 29-year-old man was stabbed while he was an inmate in a federal penitentiary.

Assessment: An investigation by the Correctional Service of Canada revealed that the applicant was a willing participant in the drug trade within the prison institution. Another inmate attacked the applicant over a drug deal. Compensation will not be paid when a person is injured because he participated in a crime. His participation in the criminal act disentitled him to any award of compensation.

Lack of credibility

Incident: A 37-year-old woman sought compensation, alleging that her common-law husband assaulted her. The alleged offender was charged with assault but was acquitted following a criminal trial. The trial judge found the testimony of the applicant to be unreliable.

Assessment: While the applicant did go to the hospital complaining of pain after the alleged assault, she had previously been admitted on two occasions for pain related to a history of prescription drug abuse. The applicant was extremely intoxicated at the time of the alleged assault and her evidence was found not to be credible. The evidence fell short of establishing that she was a victim of crime within the meaning of the Act.

No criminal offence occurred

Incident: The applicant, a 54-year-old woman, stated that when she worked as a long-term care aid, she received injury while physically restraining a resident. The event was reported to the police more than six months after the incident and no criminal charges were laid.

Assessment: This incident took place at the applicant's workplace. She received a strain to her left hand while trying to hold down an aggressive resident. The evidence showed there was no criminal intent. The incident was an accident.

Fight between two rival groups

Incident: A 25-year-old man stated that he was assaulted and stabbed with a knife by an unknown male. No criminal charges were pursued as the applicant and others were unwilling to cooperate in a police investigation.

Assessment: The police investigation revealed that the applicant willingly participated in the fight between two rival groups. There was evidence that the person who stabbed the applicant did so in self-defence. The applicant contributed toward the situation and his own behaviour disentitled him to any award of compensation.

Not a Good Samaritan

Incident: A 33-year-old police officer claimed that he injured his ankle in a chase to arrest a suspect. Charges of obstructing a peace officer and possession of stolen property were laid against the suspect.

Assessment: The police officer was not a victim of assault or of any of the other 55 criminal offences listed in the schedule of the Act. Law enforcement officers in the course of their employment are ineligible as Good Samaritans under the legislation.

Injury consistent with accidental fall

Incident: An application was made on behalf of a six-year-old boy by his grandfather who alleged that the boy's stepfather had assaulted the boy. The stepfather was found not guilty of the charges.

Assessment: While the mother claimed that her son had been assaulted, she was found not to be a credible witness. Although the boy suffered a severe head injury, its origin was consistent with other accidental causes. The evidence did not prove that the child had been criminally assaulted.

Contribution by relentless taunting

Incident: A 44-year-old man was stabbed by another man who was later convicted of assault causing bodily harm.

Assessment: While there was no doubt that the applicant was a victim, the Act requires consideration of all relevant circumstances, including the claimant's own actions. The victim and assailant were co-workers at a logging camp. During a three-week period, the victim taunted and teased the offender. Before the stabbing, the victim approached the offender, started an argument, and then punched him on the side of the head. The victim was a much bigger man than the offender. Throughout the entire episode, the victim deliberately acted in a taunting manner to provoke the offender. He contributed substantially toward the incident, which disentitled him to an award of compensation.

High-speed police chase

Incident: A 48-year-old woman was asleep in her home. A motor vehicle, pursued by the police at high speed, slammed into the house, waking the woman and destroying a wall. Several men from the pursued vehicle then entered the house in an attempt to hide from police. The applicant was later diagnosed with post-traumatic stress disorder. Charges of break and enter, possession of stolen property, dangerous operation of a motor vehicle, hit and run, and resisting arrest were laid.

Assessment: The circumstances of this incident did not fall within any of the 56 scheduled offences in the Act. While this event may be a basis for a civil action, no compensation is payable under the Criminal Injury Compensation Program.

Struck by motor vehicle

Incident: A 24-year-old man was struck by a motor vehicle. Crown counsel did not approve charges as there was no evidence that the act was deliberate or that the vehicle had been driven as a weapon or in a dangerous fashion.

Assessment: Compensation is not payable under the Criminal Injury Compensation Program if it is caused by a motor vehicle, unless the vehicle is used as a weapon of assault. As there was no such evidence, compensation was not payable.

No criminal intent

Incident: An application was made on behalf of a 14-year-old girl who suffered emotional trauma. She attended a church youth group meeting held in a secret location. During a Bible reading, people dressed in dark clothing with imitation guns staged a mock execution of the pastor. The church later apologized to the applicant and her family. No criminal charges were considered.

Assessment: On the facts, it could not be concluded that a criminal offence had been committed. While the actions of the church were in bad taste, there was no evidence of criminal intent. The Criminal Injury Compensation Program found no basis for granting an award.

Reasonable force to remove from home

Incident: A 38-year-old woman made an application alleging that she was physically and verbally assaulted by her sister and brother-in-law at their residence. No criminal charges were laid in connection with the incident.

Assessment: The applicant was suffering from psychological problems at the time. The applicant behaved in an offensive manner and her sister and brother-in-law asked her to leave their home. The sister grasped the applicant's left elbow, opened the back door, and requested she leave. The applicant complained of being injured and assaulted, beaten up, and thrown out. Upon medical examination, there was no evidence of injury. It was determined that no crime had been committed and that the applicant's sister and brother-in-law were entitled to use reasonable force to remove her from their residence. There was no intent to cause harm. As no crime was committed, no compensation was awarded.

Policy manual

During 1999, the CICP continued to focus on developing and refining policy for fair and consistent compensation. To remedy the lack of published policy, the CICP distributed a draft policy document to its stakeholders in November of 1998. This document, which marked a significant step in the CICP's growth, was well received and has been extremely useful in:

- Maintaining consistency in awards for pain and suffering and providing victims with an understanding of the awards process
- Clarifying the *Criminal Injury Compensation Act* and how its respective sections apply to individual claims
- Explaining CICP procedures
- Providing a reference for victim representatives and appeal bodies
- Informing the public and other stakeholders of the scope of the program
- Describing assistance available under the program
- Explaining benefits available to immediate family members

Accessibility

The CICP is striving to make the Program more accessible, open, accountable and user-friendly by:

- Presenting information sessions to victims' assistance groups
- Scheduling oral inquiries on Vancouver Island to assist victims in those areas
- Scheduling telephone inquiries for victims who are unable to attend the CICP offices
- Streamlining the management structure to promote easier liaison with our stakeholders
- Making changes in process and adjudicative practices that flow from appeal decisions

Reviews

Applicants who are not satisfied with the initial outcome of their case can request a review. The review process is more informal and flexible than the appeal process, and may take the form of a review of documents or an oral inquiry.

Reviews may be undertaken when an applicant has new information that was not previously available, or because the applicant wants the adjudicator to review certain issues. Adjudicators may, in turn, request more information, such as current medical records.

In both a documentary review and an oral inquiry, the adjudicator will prepare a supplementary decision that will uphold, modify, or reverse the original one.

In view of its mandate to help victims of crime, the CICP views the modification or reversal of its decision in a positive light. Dissatisfied claimants are encouraged to request a review or inquiry, or to launch an appeal.

Appeals

An applicant who does not agree with the outcome of a documentary review or oral inquiry can appeal to an Appeal Committee. Applicants can also appeal to an Appeal Committee immediately after the initial decision, without going through the review process.

Depending on the case, an Appeal Committee hearing may be held as an oral hearing or as a review of documents, or both, with one, two, or three committee members. If the Appeal Committee finds merit in the evidence and in the arguments presented, it may overturn the decision or request the CICP to review the decision.

If the claimant is still unsatisfied, she or he may make a request for permission to take the case to the Appeal Division of the WCB.

If the claimant's request to have the claim reviewed is declined, the appeal process ends subject to reconsideration by the Appeal Division, as provided by the *Criminal Injury Compensation Act*.

Extension of coverage

In 1999, several decisions of the Appeal Division resulted in an expansion of compensation available under the Criminal Injury Compensation Program.

Pain-and-suffering awards for immediate family members of a deceased victim of crime

Following a decision by the Appeal Division, the CICP now provides for pain and suffering to immediate family members of victims who die as a result of a crime. Previously, awards for pain and suffering were only available to the victim. This decision recognizes that if immediate family members suffer a diagnosable psychiatric disorder caused by the death of a family member they may qualify for compensation.

Compensation following death of a victim

Following another Appeal Division decision, the CICP now considers the circumstances of the immediate family members to determine entitlement when the deceased has been involved in criminal activity that contributed to her or his death.

This decision establishes the need to weigh the victim's behaviour against the claim of the immediate family members.

Threats to victim's children held to be criminal harassment of the victim

This decision provides compensation for the serious effect on the child's parents or guardians. Such threats can be used as a way to demoralize or frighten parents or guardians, who may require counselling or time off work.

Witness to crime entitled to compensation

In this decision, the Appeal Division held that witnesses to a crime could suffer trauma serious enough to entitle them to compensation. For example, if a witness is in close proximity to a fatal crime and fears for her or his own death or grievous bodily harm, compensation could be awarded if the witness suffers a diagnosable psychiatric disorder.

Payment of pain and suffering award to an estate

Previously when a victim passed away before the claim was resolved, the claim for pain and suffering did not proceed. The Appeal Division has ruled that in such cases, an award should go to the victim's estate.

Payment of counselling costs for immediate family members as rehabilitation benefit

In this decision, the Appeal Committee recognized that, in some situations, counselling for children who witness a crime against a parent may speed the parent's recovery.

Staff operations

In dealing with a greater volume of complex applications, the CICP acknowledges that those who approach the CICP for help are often in crisis. Treating victims with respect and sensitivity is an essential part of the CICP's work.

The CICP staff consists of two managers, two consulting psychologists, one medical doctor, two investigators, one senior counsel, six adjudicators, and 42 support staff. Staff members help applicants complete forms and readily assist applicants in other aspects of their claims. The CICP staff have a broad range of skills and training, and are able to draw on the resources of the Workers' Compensation Board to assist in their work.

CICP employees are sensitive to the needs of victims and their families. The caring and prompt service they provide is motivated by a desire to make a difference in the lives of crime victims.

The CICP staff deal with difficult issues every day. While its mandate demands that the CICP provide both monetary compensation and public acknowledgment of the wrongs done to victims of crime, that mandate must be fulfilled within the governing legislation.

Questions and Answers

Before 1972, when the *Criminal Injury Compensation Act* was passed, the trauma suffered by victims and their families was not widely recognized in B.C. Today, based on feedback from claimants, victims of crime see compensation not only as a way to get back on track financially, but also as an acknowledgment of their suffering. People find the support they receive to be an important part of the healing process.

What is criminal injury compensation?

Under certain circumstances, anyone who has been injured as a result of a crime or is the immediate family member of a person killed due to a crime may be entitled to compensation. In addition, a person injured while helping a law enforcement officer or trying to prevent a crime may be eligible.

How do applicants learn about the CICP?

Initial contact usually occurs when a victim is referred by the police, or by a victims-of-crime support group, or by hospital staff.

Must the incident be reported to the police?

Yes. Before applying for compensation, claimants should make a report of the incident to the police.

Must charges be laid or the offender convicted before the victim can receive compensation?

No. To qualify for an award, it is not essential that Crown approve charges or that the offender be convicted. In fact, the offender may never be identified, making the program particularly beneficial to victims of random acts of violence.

How long does it usually take before applications are registered and acknowledged?

This process usually takes about two weeks.

How long does it usually take for a decision to be made?

On average, decisions are made between four and six months after receipt of an application.

Is a lawyer necessary?

No. A lawyer is not required to make a criminal injury application. Victims may, however, retain a lawyer at any time to assist them.

What is the adjudication process?

Most of the information required by the CICP is requested on the application form. The claimant will also be asked to provide original bills or receipts for expenses, the name of their employer, and details of other benefits claimed. The more detail the claimant provides the CICP, the more quickly the application can be processed.

The CICP staff will obtain the police report. Claimants may be asked to attend an interview with an investigator, and may be examined by a physician or consulting psychologist.

What does criminal injury compensation pay for?

- Medical and dental expenses, as well as ambulance and hospital costs that are not paid for under a medical, dental, or hospital plan
- Loss of income
- Loss of earning ability
- Repair or estimated replacement value of clothing
- Repair or replacement of dentures, eye glasses, and hearing aids
- Funeral and burial or cremation expenses
- Loss of support for dependants
- Maintenance of a child born as a result of sexual assault
- Compensation for pain, suffering, mental or emotional trauma, humiliation, or inconvenience
- Grief counselling and loss of earnings for immediate family members of deceased victims
- Counselling costs incurred by the victim and, in some cases, by members of the victim's immediate family, excluding the offender
- Pain and suffering awards for workers criminally injured on the job
- Rehabilitation services, including help in finding a new job, if required
- Other expenses not covered under another Act of Canada or the Province of British Columbia and related to medical, dental, nursing, and other care or treatment

What will not be compensated?

- Stolen money or loss or damage to property, including a vehicle or home
- Legal fees or costs
- Injuries to a person who is not an innocent victim and is responsible for the crime causing the injury
- Injuries sustained outside of British Columbia
- Injuries arising from motor vehicle accidents, except where the vehicle is used as a weapon
- Injuries occurring prior to July 1, 1972 – the date that the *Criminal Injury Compensation Act* came into force

What about those injured by a crime while working?

In such cases, the criminal injury application is not processed until workers' compensation benefits have been determined.

If the claim is accepted by the WCB and benefits are paid, the CICIP will consider a pain- and-suffering award. If the WCB denies the application and it is accepted by the CICIP, the victim could be entitled to wage-loss and other benefits in addition to the pain-and-suffering award.

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How are payments made?

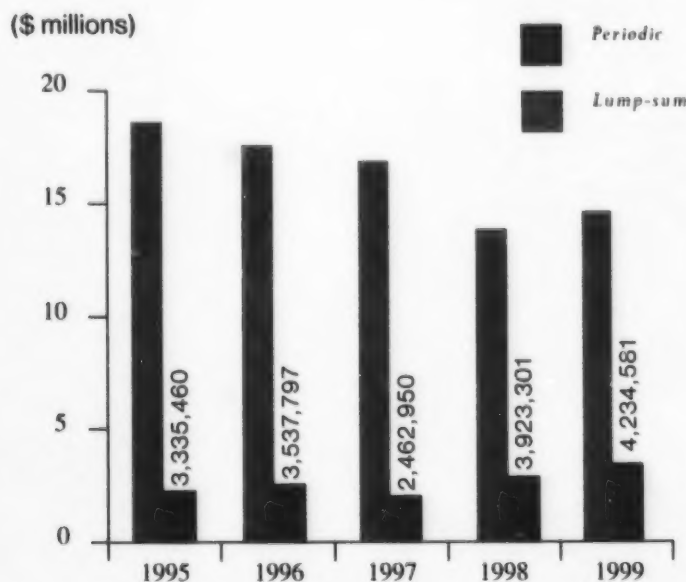
Compensation can be paid to a claimant in three ways:

- Lump-sum payment
- Periodic payments
- Combination of lump-sum and periodic payments

Awards for expenses such as funerals, replacing damaged clothes and eyeglasses, counselling, medical and dental treatments, and pain and suffering are usually paid in a lump sum. Periodic payments can be made to a victim with a permanent disability, or to the dependants of a victim who has been killed.

The maximum lump-sum payment that can be awarded for the injury or death of a victim is \$50,000. When an injury has caused permanent or temporary disability, the Act sets out a limit on the amount of periodic payments. No compensation is awarded for claims under \$100.

Awards shown as Type of Payment



This graph includes payments for non-fatal and fatal claims. The payments made during 1999 include payments resulting from supplementary reviews or appeals of claims adjudicated in previous years, as well as results for ongoing disabilities and support to dependants.

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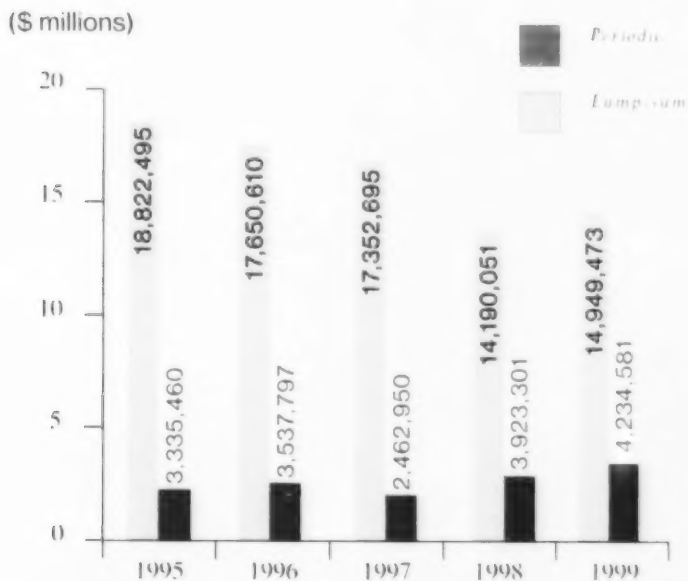
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Is it possible to obtain interim payments?

Where an applicant is in financial need and it is likely the CICP will award compensation, interim payments can be made. These emergency payments are limited to medical, dental, counselling, and wage-loss expenses. The interim payment is deducted from the final award.

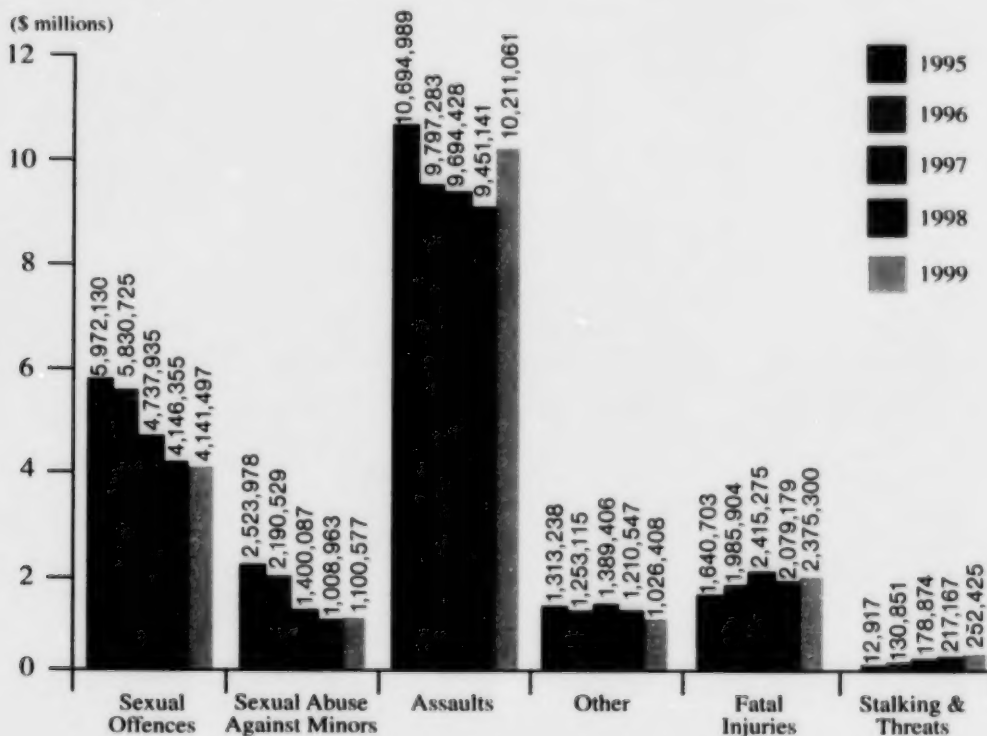
Can the CICP pay for counselling and therapy?

The CICP recognizes that for victims and their families to recover from the trauma of their injuries or loss, they must heal physically and emotionally. Counselling is an important part of that healing. It may be provided for a victim's recovery or for family members of deceased victims. The consulting psychologists assess the type and length of counselling needed.

Can a claim file be disclosed?

While considering a claim, the CICP may receive relevant information from several sources, including the police, hospitals, employers, therapists, psychiatrists, and Human Resources Development Canada regarding employment insurance. If disclosure of information is requested, it will only be made according to law or in compliance with orders of a court or tribunal.

Awards paid by Type of Crime, 1995 to 1999



Can legal action be pursued while compensation is being received?

The *Criminal Injury Compensation Act* permits victims of crime to claim compensation and, at the same time, to sue the party who caused their injury.

A claimant must notify the CICP if legal action is taken, and if money is recovered from the person responsible for the injury. If a claimant recovers money from the responsible party, it must be used to reimburse the CICP. In some cases, the CICP may conduct legal action itself.

If a person is criminally injured on the job and receives both workers' compensation and a criminal injury award for pain and suffering, the individual may lose entitlement to pursue legal action.

Can a decision of the CICP be reviewed?

Applicants not satisfied with the outcome of a case can request a review.

The review process is more informal and flexible than the appeal process. It may take the form of a review of documents or an oral inquiry. In both cases, the adjudicator who made the original decision will conduct the review or the inquiry. An applicant may have new information or may want the adjudicator to review certain issues. In either a documentary review or an oral inquiry, the adjudicator will prepare a supplementary decision that will uphold, modify, or reverse the original decision.

The CICP views the modification or reversal of its decision in a positive light. Dissatisfied claimants are encouraged to request a review or inquiry, or to launch an appeal.

What if the claimant is not satisfied after an appeal?

The claimant may make a request to either the chief appeal commissioner of the WCB Appeal Division or to the Appeal Committee for permission to take the case to the Appeal Division.

If the chief appeal commissioner or the Appeal Committee declines the claimant's request to review the case, or has reviewed the case and made a ruling, the appeal process ends.

What happens if a medical condition caused by a previously allowed criminal injury claim returns?

The claimant may ask that the claim be reopened.

Where can claimants obtain an application form?

An application form can be obtained from any office of the Workers' Compensation Board of B.C., or by telephoning the CICP at 604 244-6400 or toll free at 1 800 661-2112, local 6400.

Is there a time limit for applying?

Claimants must apply for compensation within one year of the injury or death. This time limit may be extended.

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When the legislation establishing the CICIP was passed in 1972, benefits were available to victims of 39 scheduled offences. Over the years, 17 new offences have been added, for a total of 56. The most recent additions include criminal harassment (stalking) and uttering threats, both added in 1995.

That same year, compensation was extended to non-dependent, immediate family members of victims killed by criminal acts. This recognized the hardship suffered by this group – typically parents – and their need for support. Because claims involving fatalities invariably involve more applicants than do non-fatal claims, this factor continues to affect the CICIP's workload.

- In 1999, total compensation of \$19,184,054 was paid on 5,516 claims
- 1,707 applications were denied, and 3,843 applications were accepted in 1999

The CICIP paid \$14,949,473 in lump-sum payments and \$4,234,581 in periodic payments in 1999. This compares with 1998, when \$14,190,051 was paid in lump-sum payments and \$3,923,301 in periodic payments.

Criminal harassment: 59 claims were adjudicated and \$105,294 paid in compensation in 1999. Of the applicants, 50 were female and 9 were male.

Uttering threats: 123 claims were adjudicated and \$147,131 paid in compensation. Of the applicants, 97 were female and 26 were male.

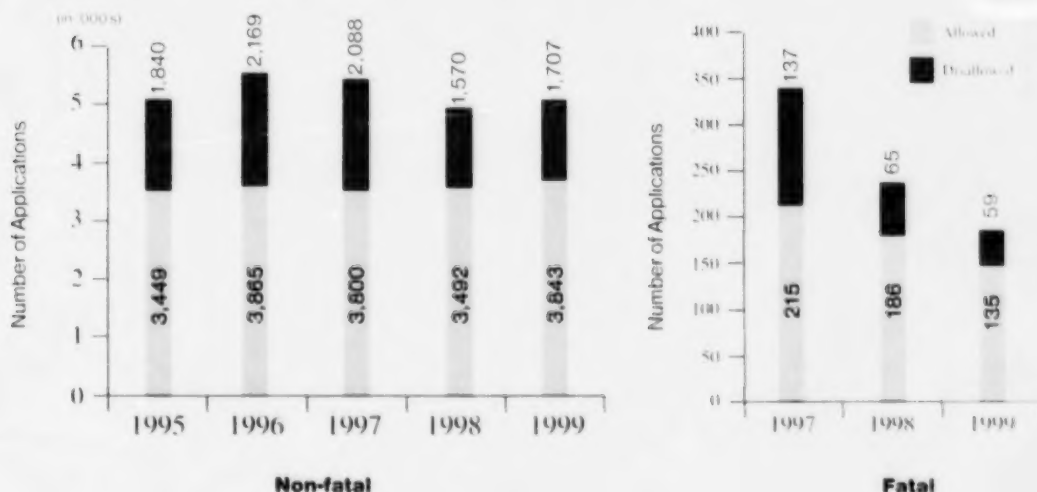
Sexual assault/sexual abuse: 1,587 claims were awarded compensation.

Domestic violence: 1,523 claims were accepted, totalling \$3,435,174.

In 1999, the CICIP paid \$1,973,981 or 10.3 percent of its total compensation payments for counselling, compared with \$1,925,263 or 11 percent in 1998.

In 1999, 352 claimants were awarded \$251,638 in compensation for criminal injuries that were also workers' compensation claims.

Outcomes of Applications Adjudicated



All figures up to and including 1996 represent fatal and non-fatal applications. Statistics recording fatal applications separately commenced in 1997.

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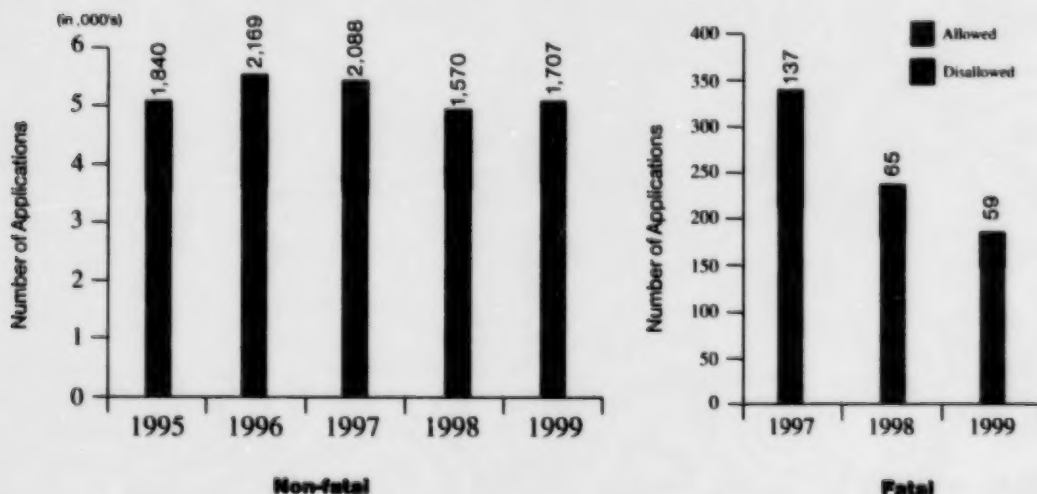
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Reviews and Appeals

During 1999, there were 2,964 reviews and appeals. Of the 2,270 supplementary decisions, 1,625 or 71.5 percent of the original decisions were modified. This compares with 1998, when adjudicators modified their decisions in 72 percent of cases.

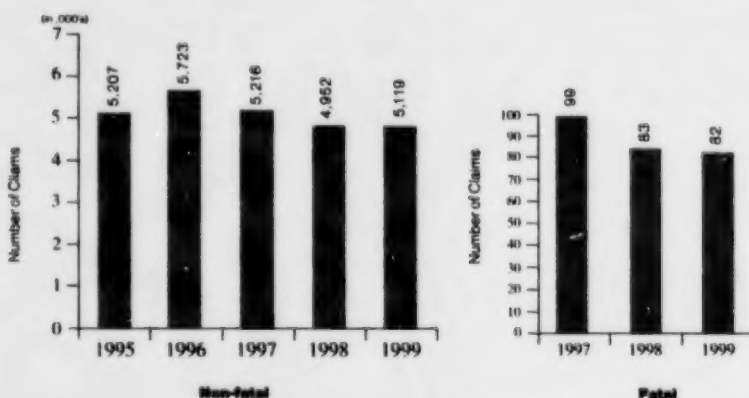
Of the 152 oral inquiries held in 1999, adjudicators modified or reversed decisions in 88 cases or 58

percent. In 1998, adjudicators modified their decisions in 72 percent of cases.

Of the 461 cases reviewed by Appeal Committees in 1999, 129 were allowed, 288 were denied, and 44 were withdrawn.

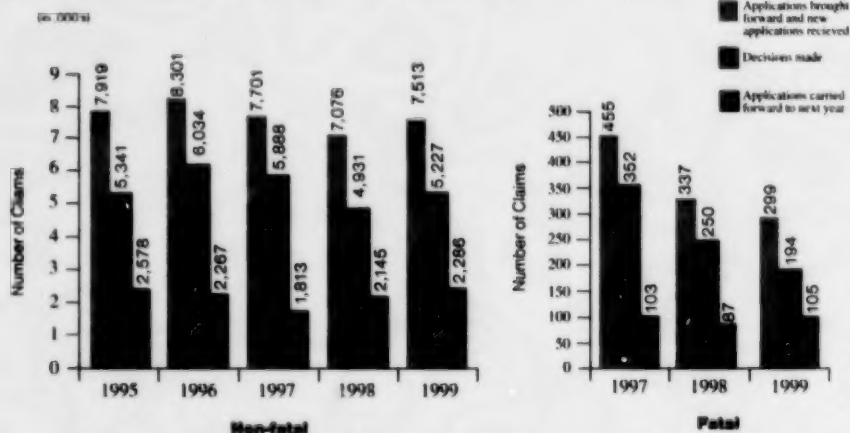
This compares with 1998, when Appeal Committees reviewed 447 cases, allowing 127 and denying 320.

New Claims Received



All figures up to and including 1996 represent fatal and non-fatal claims. Statistics recording fatal claims separately commenced in 1997.

New Applications Processed and Carried Forward



All figures up to and including 1996 represent fatal and non-fatal applications. Statistics recording fatal applications separately commenced in 1997.

Compensation paid by Type of Crime, 1996 to 1999 (shown in \$)

Crime	1996	1997	1998	1999
Abduction in contravention of custody order	960			6,032
Abduction of a person under 14 years of age	5,260	13,282	2,487	16,190
Abduction of a person under 16 years of age				
Administering noxious things	550		10,415	3,710
Aggravated assault	608,157	486,339	443,011	368,799
Aggravated sexual assault	74,119	36,133	36,371	12,509
Arson	27,579	53,812	23,080	42,175
Assault	6,295,528	5,940,856	6,000,946	6,631,381
Assault with a weapon	1,290,276	1,643,258	1,432,994	1,556,445
Assaulting a peace officer		750	507	8,350
Assisting a peace officer	108,676	163,972	115,653	72,786
Attempted murder	1,492,883	1,498,814	1,448,504	1,516,125
Attempted rape				
Causing bodily harm by criminal negligence	230,553	191,785	242,563	240,488
Causing bodily harm with intent	110,439	124,411	125,179	129,961
Causing death by criminal negligence	53,061	61,662	39,156	46,806
Common nuisance causing harm	54,778	8,137	6,091	5,175
Counselling or aiding suicide		6,724		
Criminal harassment (stalking)	59,435	65,358	92,170	105,294
Dangerous operation of vessel or towed object	64,159	41,036	42,756	44,031
Failure to provide necessities		800		
Impaired operation of vessel			4,373	1,482
Incest	97,870	66,201	66,902	29,804
Intentionally causing death or bodily harm by explosives	22,681	39,688	28,835	29,277
Intimidation by violence	35,999	13,330	2,010	4,307
Invitation to sexual touching	29,565	36,150	28,333	44,828
Kidnapping	24,708	33,062	6,465	12,142
Manslaughter	177,667	260,592	153,732	233,769
Mischief causing danger to life		5,846	4,150	6,814
Murder	1,755,176	2,093,021	1,886,291	2,094,725
Overcoming resistance to commission of offence	4,510	3,850	4,287	
Pointing a firearm or careless use of a firearm	176,373	181,401	158,570	178,978
Preventing a crime	18,149	9,845	8,500	4,000
Riots				3610
Rape		24,397	27,970	22,074
Robbery	478,180	622,176	545,812	431,997
Sexual assault	5,559,495	4,511,976	3,960,554	4,006,568
Sexual assault with a weapon, threats to third party	69,676	63,078	26,225	25,714
Sexual exploitation of a young person	229,753	151,885	77,742	130,785
Sexual touching of a person under 14 years of age	1,960,776	1,248,202	931,221	969,792
Taking offensive weapons and explosive substances		300	4,500	
Uttering threats	71,416	113,516	124,997	147,131
Unknown				
Total	\$21,188,407	\$19,815,645	\$18,113,352	\$19,184,054

The Criminal Injury Compensation Program is funded by the Consolidated Revenue Fund of British Columbia through the Ministry of Attorney General.

The CICP's management is responsible for the integrity of the financial statements which are prepared in accordance with generally accepted accounting principles. Management also has established systems of internal control to ensure assets are properly accounted for and safeguarded from loss.

The Internal Audit and Evaluation Department of the WCB performs audits designed to test the adequacy and consistency of the CICP's internal controls, practices, and procedures.

Summary of Actual Expenditures for 1995 to 1999

	1995	1996	1997	1998	1999
Claim Costs					
Awards paid	\$22,157,955	\$21,188,407	\$19,815,645	\$18,113,352	\$19,184,054
Administration Costs					
Salaries and payroll	2,564,431	2,530,566	2,613,488	2,526,070	2,386,474
Building service costs ¹	404,376	468,231	404,960	390,156	361,697
Indirect service costs	465,635	497,832	497,832	531,432	531,432
Computer system development ²	133,343	582,478	153,054	209,702	224,114
Travel and investigations	996,476	716,174	627,238	578,139	616,352
Communications	74,817	66,420	59,383	53,068	39,499
Equipment	128,282	71,062	59,240	33,098	85,499
Supplies and stationery	27,032	25,877	20,470	19,023	18,584
Miscellaneous ³	315,774	186,578	113,038	102,019	64,455
Consulting fees	208,138	227,820	223,416	196,570	178,180
Appeal Committee hearings	200,863	297,876	450,772	560,842	353,462
Appeal Division hearings			53,310	175,399	68,937
Miscellaneous Recoveries ⁴	(225,625)	(242,015)	(649,494)	(325,042)	(424,477)
Subtotal	5,293,542	5,428,899	4,626,707	5,050,476	4,504,208
Total Expenditure	\$27,451,497	\$26,617,306	\$24,442,352	\$23,163,828	\$23,688,262

¹ Building service costs for 1993 and 1994 are included in Indirect service costs.

² Computer system development costs for 1993 and 1994 are included in Miscellaneous.

³ Miscellaneous includes Appeal Division hearings for 1992 to 1995, staff training, memberships, WCB Rehabilitation costs, etc.

⁴ Miscellaneous Recoveries includes recoveries for parking and salaries of personnel on secondment, and third-party cases against offenders.

Summary of 1999 expenditures

- Awards and expenses in 1999 totalled \$23,688,262
- Administration costs totalled \$4,504,208, and awards totalled \$19,184,054

The CACP's administrative expenses include the costs of gathering information needed in adjudicating claims, such as police and medical reports. The staff oversee these administrative costs, along with award costs, by supervising payments, assessing charges, and monitoring expenditures.

Compensation paid in 1999

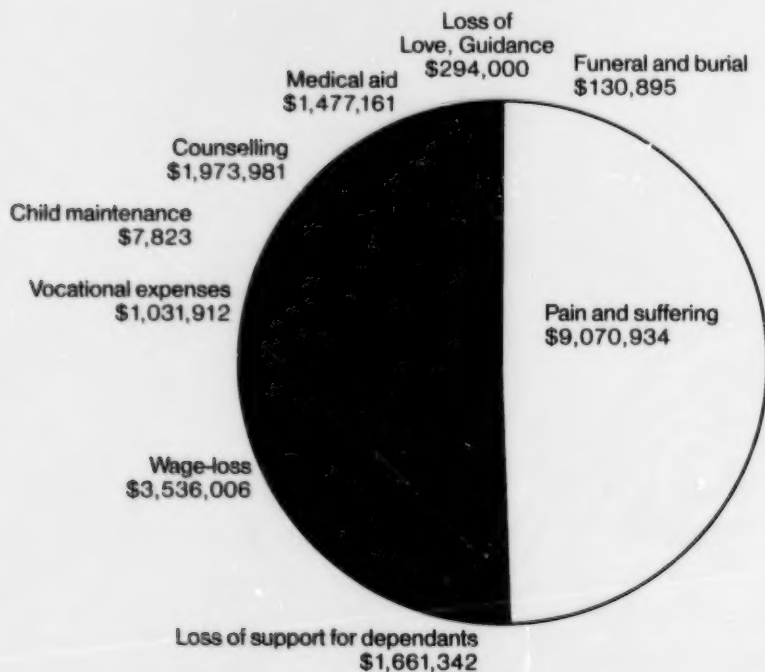
Of the \$19,184,054 awarded in compensation, \$9,070,934 or 47 percent was for pain-and-suffering awards, which continue to account for almost half of all compensation paid.

Assaults and sexual offences continue to make up a large part of compensation paid. In 1999, \$10,211,061 was paid to assault victims, and \$5,242,074 was paid to victims of sexual offences.

Awards for claims involving stalking and uttering threats rose from \$217,167 in 1998 to \$252,425 in 1999.

A total of \$2,375,300 in compensation was paid to families of victims killed by criminal acts, compared with \$2,079,179 in 1998.

Compensation paid in 1999 by Type of Award



Contact information

Criminal Injury Compensation Program

Office location

215 – 5200 Hollybridge Way
Richmond, BC

Mailing address

Criminal Injury Program
PO Box 5350 Stn Terminal
Vancouver BC V6B 5L5

Phone and fax

Phone 604 244-6400
1 800 661-2112,
local 6400
Fax 604 244-6480

WCB head office

Office location

6951 Westminster Highway
Richmond, BC

Mailing address

PO Box 5350 Stn Terminal
Vancouver BC V6B 5L5

Phone numbers

604 273-2266
1 800 661-2112

WCB offices around B.C.

**The WCB office in your area can
supply copies of Criminal Injury
application forms and brochures.**

Abbotsford

2774 Trethewey Street V2T 3R1
Phone 604 556-2060
1 800 292-2219
Fax 604 556-2077

Courtenay

426 – 8th Street V9N 8G6
Phone 250 334-8745
1 800 663-7921
Fax 250 334-8757

Cranbrook

100 – 7th Avenue S. V1C 2J4
Phone 250 417-7934
1 800 663-4912
Fax 250 417-7963

Kamloops

321 Battle Street V2C 6P1
Phone 250 371-6003
1 800 663-3935
Fax 250 371-6031

Kelowna

2045 Enterprise Way V1Y 9TS
Phone 250 717-4313
1 888 922-4466
Fax 250 717-4334

Nanaimo

4980 Wills Road V9T 6C6
Phone 250 751-8040
1 800 663-7382
Fax 250 751-8046

Nelson

524 Kootenay Street V1L 6B4
Phone 250 352-2824
1 800 663-4962
Fax 250 352-1816

Prince George

1066 Vancouver Street V2L 5M4
Phone 250 561-3700
1 800 663-6623
Fax 250 561-3710

Terrace

4450 Lakelse Avenue V8G 1P2
Phone 250 615-6605
1 800 663-3871
Fax 250 615-6633

Vernon

3100 – 35th Avenue V1T 8Y8
Phone 250 545-1125
1 800 663-4452
Fax 250 558-5243

Victoria

4514 Chatterton Way V8X 5H2
Phone 250 881-3418
1 800 663-7593
Fax 250 881-3482

For more information

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Workers' Compensation Board Criminal Injury Section

PO Box 5350 Stn Terminal
Vancouver BC V6B 5L5
Phone 604 244-6400
1 800 661-2112,
local 6400
Fax 604 244-6480
WCB WorkSafe Online
www.worksafebc.com

or

Office of Attorney General
Parliament Buildings
Room 232
Victoria BC V8V 1X4